

Local Government Code revisions (including Denton County civil staff counsel)

HB 2657 by Eckels/Leedom

- DIGEST:** HB 2657 would have required the state auditor, in consultation with the comptroller of public accounts, to develop and administer a least cost review program for public construction projects. The program would have compared the cost of public improvements constructed by a government entity and a competitive bid submitted by the private sector. The bill also would have specified certain powers available to commissioners courts and allowed Denton County to establish a local office of staff counsel for civil matters.
- GOVERNOR'S REASON FOR VETO:** "This bill makes minor revisions to the Local Government Code, including allowing a least cost review program for county expenditures. Unfortunately, an amendment was added to the bill in violation of the Constitution. It attempts to allow the creation of the local office of staff council (sic) to the County Commissioners Court of Denton County in violation of Art. 3, sec. 56 of the Texas Constitution, which prohibits the adoption of a local law creating county offices."
- RESPONSE:** Rep. Robert Eckels, author of HB 2657, said, "I believe the governor was wrong on the constitutional question. It would be more appropriate for this type of technical question to be decided through the courts or an attorney general's opinion." Rep. Eckels said that given the bill's other important provisions and the fact that everyone had agreed on them, he was disappointed to see the bill vetoed. "This was a local bill, and the question of legality could have been solved by an attorney general's opinion without having to veto the whole bill," Rep. Eckels said.
- NOTES:** HB 2657 passed the House on the Consent Calendar and was not analyzed in a *Daily Floor Report*.